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December 26, 2002

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

Attn: Art Unit 2814 - Examiner Hoa B. Trinh

FROM: George O. Saile, Reg. No. 19,572
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/040,233
File Date: 11/7/01
Inventor: Yu-Zung Chiou, et al.
Examiner: Hoa B. Trinh
Art Unit: 2814
Title: A Novel Design and Fabrication Method for Finger N-Type Doped Photodiodes with High Sensitivity for CIS Products

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement in the Office Action dated Dec. 3, 2002. In that office action, restriction was required to one of the following Inventions under

CERTIFICATE OF MAILING

I hereby certify that this correspondance is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on December 30, 2002.

Signature 
Stephen B. Ackerman, Reg. No. 37,761

Date: 12/30/02

35 U.S.C. 121:



The inventions stated are:

I - Claims 1-16, drawn to an n-type doped diode, classified in class 438, subclass 141, and

II - Claims 17-32, drawn to a p-type doped diode, classified in class 438, subclass 141+.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-16, drawn to an n-type diode classified in Class 438, subclass 141. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction in the Office Action.

The Examiner states that Inventions I and II are related as subcombinations disclosed as usable together in a single combination, and that the subcombinations are distinct from each other if they are shown to be separately usable (M.P.E.P. 806.05(d)). However, upon reading the Invention II Claims against the Claims of Invention I, it can be seen that Invention II is drawn to "A novel structure for a photodiode", while Invention I is

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also drawn to "A novel structure for a photodiode". As such, the field of search must necessarily cover both the Group I class/subclass 438/141 and the Group II class/subclass 438/141+, in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "invention I or II has separate utility such as a PMOS or NMOS" is speculative and has nothing to do with the Claims as presented in this patent application.

Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of additional Patent Applications upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

Respectfully submitted,



Stephen B. Ackerman, Reg. No. 37,761